

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS

TYLER DIVISION

DARRELL J. HARPER, #1957729	§	
VS.	§	CIVIL ACTION NO. 6:16cv219
KEVIN B. SMITH, ET AL.	§	

ORDER OF DISMISSAL

Plaintiff Darrell J. Harper, an inmate confined at the Ellis Unit of the Texas prison system, proceeding *pro se*, filed the above-styled and numbered civil rights lawsuit. The complaint was referred to United States Magistrate Judge John D. Love, who issued a Report and Recommendation concluding that the civil rights lawsuit should be dismissed pursuant to sanctions imposed by the Fifth Circuit. The Plaintiff has filed objections.

The Report of the Magistrate Judge, which contains proposed findings of fact and recommendations for the disposition of such action, has been presented for consideration, and having made a *de novo* review of the objections raised by Plaintiff, the Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct, and the objections by Plaintiff are without merit. Therefore the Court hereby adopts the findings and conclusions of the Magistrate Judge as the findings and conclusions of the Court. It is accordingly

ORDERED that the Report and Recommendation (docket entry #5) is **ADOPTED**. It is further

ORDERED that the cause of action is **DISMISSED** without prejudice as barred by the sanctions imposed by the Fifth Circuit Court of Appeals. It is finally

ORDERED that all motions not previously ruled on are **DENIED**.

It is SO ORDERED.

SIGNED this 5th day of April, 2016.

A handwritten signature in black ink, reading "Michael H. Schneider", is written over a horizontal line.

MICHAEL H. SCHNEIDER
UNITED STATES DISTRICT JUDGE